IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

WP(C).No. 10561 of 2006(G)

PETITIONERS:

1. **BENAMOL, KIZHAKKEVELI, SANATHANAPURAM, KALARKODE, ALAPPUZHA.**
2. **RAJENDRA BABU, MUNJANATTU MADOM, ERUVA P.O., KAYAMKULAM.**
3. **RADHAKRISHNAN T.N., IRUTHI MADOM, THAYIKATTUKARA, ALUVA.**

BY ADV. SRI.P.SREEKUMAR, SRI.K.S.MANU.

RESPONDENTS:

1. **STATE OF KERALA, REP. BY THE SECRETARY SOCIAL WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
2. **THE DEPUTY DIRECTOR OF EDUCATION, ALAPPUZHA.**
3. **THE DISTRICT COLLECTOR, ALAPPUZHA DISTRICT.**

4. THE MANAGING DIRECTOR, FOREST INDUSTRIES (TRAVANCORE) LTD., THYKKATTUKARA P.O., ALUVA.

BY ADV. SRI.M.PATHROSE MATTHAI (SR.) FOR R4,
SRI.RONY J.PALLATH,
GOVERNMENT PLEADER SRI. P. NANDAKUMAR FOR R1 TO R3.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.10561/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE DISABILITY CERTIFICATES ISSUED TO THE PETITIONERS.

EXT.P.2, P2A AND P2B: COPIES OF THE DISCHARGE CERTIFICATES ISSUED TO THE PETITIONERS 1,2 AND 3.

EXT.P.3: COPY OF THE G.O. (P). NO. 32/98/P&ARD DTD. 28/09/98.

EXT.P.4: COPY OF THE G.O. (P). NO. 10/99/P&ARD DTD. 17/05/99.

EXT.P.5: COPY OF THE G.O. (P). NO. 18/99/P&ARD DTD. 13/10/99.

EXT.P.6: COPY OF THE G.O. (P). NO. 33/2005/SWD DTD. 05/03/05.

EXT.P.7: COPY OF THE MINUTES OF THE MEETING HELD ON 24/08/2004.

EXT.P.8: COPY OF THE ORDER PASSED BY THE HONOURABLE HIGH COURT IN W.P.(C). NO. 14640/2005.

EXT.P.9; COPY OF THE COMMUNICATION DTD. 30/03/05 ISSUED TO THE PETITIONER.

EXT.P.10: COPY OF THE COMMUNICATION DTD. 29/08/05 ISSUED TO THE PETITIONER.

//TRUE COPY//

prv.

K.K.DENESAN, J

W.P.(C)NO.10561 of 2006

Dated this the 9th day of March, 2007

JUDGMENT

There are three petitioners in this writ petition. Petitioners 1 and 2 are physically challenged persons who were appointed provisionally under Rule 9(a)(i) of KS&SSR between 15.8.1998 and 15.8.1999. But they could not complete the maximum period of 179 days before 15.8.1999. On that ground, they were denied the benefit of reinstatement to the service as also regularisation granted to others who had completed the period of 179 days within the aforesaid period. In the light of the decision of the Division Bench of this Court in Writ Appeal No.1601/2006, the petitioners are entitled to get the benefit of reinstatement. It is so declared. The respondents shall grant due benefits to the petitioners, accordingly.

2. As far as the third petitioner is concerned, though he too is a physically challenged person, his provisional appointment

was in a State Public Sector undertaking, namely, Forest Industries (Travancore) Ltd., Aluva. Government orders granting the benefit of continuance in service to physically challenged persons are not as such applicable to public sector undertakings. Hence, the reliefs granted to petitioners 1 and 2 cannot be granted to the third petitioner in these proceedings. He will be free to pursue the matter further and seek orders from respondent No.4, provided the said respondent takes a decision to adopt the Government Order to its establishment.

3. The writ petition is allowed, as far as petitioners 1 and 2 are concerned. As far as petitioner No.3 is concerned it stands dismissed subject to the observations made above.

4. The directions in this judgment shall be implemented with within two months from the date of receipt of a copy of the judgment.

K.K.DENESAN, JUDGE

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